

Docket No.: BRIXIUS-8
Appl. No.: 10/789,197

REMARKS

The last Office Action of May 6, 2005 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-15 are pending in the application. Claim 1 has been canceled. Claims 2, 8-10, 12-15 have been amended. No amendment to the specification has been made. No fee is due.

Claims 1-15 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 3,334,723 to Reed et al.

Claims 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Reed et al..

It is noted with appreciation that claims 2-7 and 10-15 are indicated allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

For the purpose of expediting the patent application process in a manner consistent with the PRO's Patent Business Goals (PBG), 65 Fed. Reg. 54603 (September 8, 2000), applicant has canceled original claim 1, and has rewritten claims 2, 10, and 12 in independent form to include only those limitations of originally filed claims 2, 10, and 12. Accordingly, applicant asserts that claims 2, 10, and 12 have not been narrowed to trigger prosecution history estoppel. See *Salazar v. Procter & Gamble Co.*, 75 USPQ2d, 1369 (stating that introducing claim 7 based on the allowable subject matter of dependent claim 3 of the "149 application was not a narrowing amendment for purposes of patentability and, therefore, does not by itself give rise to prosecution history estoppel").

Claims 8-9, and 13-15 have been amended to change their dependency so as to make them consistent with the amendments to claims 2, 10, and 12.

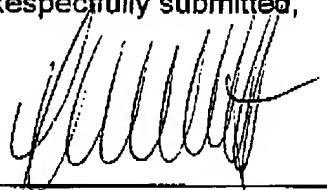
In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

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Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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